

HOUSE OF REPRESENTATIVES—Monday, June 9, 1986

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

June 6, 1986.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 9, 1986.

THOMAS P. O'NEILL, Jr.,

Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that You would open our eyes to the wonders of Your created world. As we are so involved in the details of life and the administration of each day, so may Your Word remind us of the glory of creation, the wonder of the universe, the potential You have given each person for celebration and joy, and the opportunities to be lifted by Your spirit into the brightness of each new day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate having proceeded to reconsider the bill (S.J. Res. 316) "Joint resolution prohibiting the sale to Saudi Arabia of certain defense articles and related defense services," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 340. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3570; and

H. Con. Res. 346. Concurrent resolution to correct technical errors in the enrollment of the bill S. 124.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1027) "An act for the relief of Kenneth David Franklin."

GOOD ENOUGH FOR HITLER—GOOD ENOUGH FOR UNCLE SAM?

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, irredeemable currency is the instrument of totalitarian governments. Hitler, following the example set by Lenin, proudly announced to the world that the reichsmark would never, ever be convertible into gold. Hitler, of course, was right—but what was there to brag about?

Here is a report by a contemporary observer of Nazi jubilation over the demise of the gold standard in 1941:

In a recent "funeral oration" delivered before the Chamber of Deputies in Paris, one of the highest functionaries of the Nazi Party declared "with deep inner satisfaction" that "the gold standard is as remote from the realities of life as the philosophy of the French Revolution"—the Liberty, Fraternity, and Equality of men ***. There were *** men in Germany at the time who believed in the gold standard. Some became hypnotized by the "new order"; others—born opportunists—were swimming in the broad stream of opportunities opened on a conquered continent; others became frightened or tired during the years of daily menace and compromise. But there are still many men who, in the small hours between night and dawn, will see the grey shadows of the men and the ideals they have betrayed. (The Gold Standard, by W. Redelmeier, Toronto, Canada, 1941.)

There are those politicians and economists who brag that the dollar will never ever be convertible into gold. They may or may not be right. But what is there to brag about?

KURT WALDHEIM'S "MEMORY DISEASE" SPREADING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Kurt Waldheim's mysterious memory disease is spreading.

Kurt Waldheim forgot that he committed war crimes against Jews as a

junior officer in the German Army during World War II.

Then, Ed Meese forgot, that on April 27, his own Office of Special Investigation recommended that we had enough evidence of Waldheim's wrongdoings to put him on the "watch list," making him ineligible for admission to the United States.

Finally, the Austrians forgot the lessons of World War II.

Mr. Speaker, I fear there is an epidemic of Waldheim's disease going around. The Reagan administration should be ashamed that it did not squelch it in its earliest stages, but waited until Mr. Waldheim became a head of state who would be immune from being barred entry.

Instead, Attorney General Meese stuck his head in the sand and muttered, "I forgot."

INTRODUCTION OF LEGISLATION REMOVING YUCCA MOUNTAIN FROM CONSIDERATION AS RADIOACTIVE WASTE REPOSITORY SITE

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation to have Yucca Mountain in Nevada removed from consideration as a site for the high-level radioactive waste repository.

In addition, my bill will immediately halt all further funded expenditures, authorizations, and future appropriations for site characterization of the Yucca Mountain site.

My action was prompted by clear violations of the Nuclear Waste Policy Act by the Department of Energy in abruptly and indefinitely terminating consideration of a site for a second high-level waste repository.

This sudden and arbitrary action by the Department of Energy has fundamentally undermined both the intent and the directive of Congress in the Nuclear Waste Policy Act, passed by this body in 1982.

This is not the first time that the Nuclear Waste Policy Act has been modified without congressional notification or approval, and I believe it is time to halt the process of site characterization immediately.

The fact that 23 lawsuits from more than 10 States are presently pending against the methodology or site selection process used by the Department

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Energy shows that their methods have been not only controversial but are basically improper and flawed.

Although it was clearly the intent of Congress that site characterization studies be completed prior to the announcement of preliminary determination of suitability, the Department of Energy made its preliminary determination on only three sites last week, before any characterization work has been done.

Public health and safety should be the prime concern in any siting of a high-level repository, and this has, clearly, been a secondary priority for DOE, well below cost and decisions that are politically convenient.

My State cannot be targeted for a decision that even optimists are now calling "The best of a bad situation."

The recent nuclear catastrophe at Chernobyl serves as a very clear and timely lesson that our responsibilities for nuclear activities are not only to be taken with utmost seriousness, but are global responsibilities.

Let us not be accused by future generations of treading the line of least resistance and allowing a bad process to continue, when it will fall to them to undo the irreparable harm that has been created.

Yucca Mountain must be removed from consideration now, for it is only by halting the process immediately that better solutions can be sought.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4567

Mr. REID. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4567.

The SPEAKER pro tempore. (Mr. BARNARD). Is there objection to the request of the gentleman from Nevada? There was no objection.

CONGRESS FORGETTING ITS PLEDGE TO END DEFICITS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there is a lot of forgetfulness here in the House of Representatives, too. We tend to forget that we pledged ourselves just a few months ago to a balanced-budget law called the Gramm-Rudman bill.

That law was supposed to be met by doing several things. It was supposed to be met, for instance, by our having our budget in place by April 15 and beginning to work from there. Then by June 10 we were supposed to have passed all the appropriation bills relative to that budget. By the end of June we were supposed to have completed the whole budget process or not take a July recess.

Fat chance, Mr. Speaker, fat chance. We did not meet the April 15 deadline.

We were told that that was a mere technicality, and that we do not have to meet the April 15 deadline like all taxpayers in the country do.

We are certainly not going to meet the June 10 deadline. We do not even have any appropriation bills scheduled on the calendar this week, so once again we are just ignoring the law or forgetting it, and certainly by the end of this month we are not going to have the budget process complete, and you can bet that we are going to go on our recess anyway.

We are forgetting the pledge we made to the American people that we are going to try to end deficits and move toward a balanced budget. We do not care. When it comes to spending money, Congress simply does not care. It does not obey the laws it puts in place.

I have said before that this is an outlaw Congress. Every day we prove more and more that we are an outlaw Congress. We could care less about the law we pledged ourselves to for a balanced budget. I think it is high time that the American people begin to hold this body responsible for its irresponsibility.

□ 1210

AUTHORIZING CONTINUED USE OF CERTAIN LANDS WITHIN THE SEQUOIA NATIONAL PARK

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 382) "to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "two renewals" and insert "one renewal".

Page 1, line 11, strike out "sixty" and insert "one hundred and twenty".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, will the gentleman explain the Senate amendments?

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, House Joint Resolution 382 was passed by the House on November 14, 1985.

The resolution provided congressional authorization to the Secretary of the Interior to issue a 10-year permit with the option of two additional 10-year terms to the Southern California Edison Co. for continued operation of hydroelectric diversion facilities

within the boundary of Sequoia-Kings Canyon National Park in California. The resolution also required that the Secretary submit the permit to the Congress 60 days prior to execution.

The other body acted on House Joint Resolution 382 on May 21, 1986, and made two amendments. The first would allow only one 10-year renewal option instead of two as contained in the original House version. The second amendment would require the Secretary to submit the permit to the Congress 120 days prior to execution rather than 60 days as required in the House version.

Mr. Speaker, I have no objection to the bill as amended and urge its adoption.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, this legislation would simply authorize the Southern California Edison Co. to continue its use and occupancy of Federal lands in the Sequoia National Park necessary for the operation and maintenance of an existing hydroelectric project known as the Kaweah project. The current authorization expired last year.

Hydroelectric development has existed in the park since the late 1800's without any serious adverse impacts on the park's resources. However, due to National Park Service concerns regarding possible future impacts of the Kaweah project on the resources of Sequoia National Park, the bill previously passed by this body limited the permit to 10 years with two optional 10-year renewals. In addition, the bill required the Secretary to submit the permit renewals to the appropriate congressional committees for 60 days prior to execution. Since House passage of the bill, these provisions have been modified to permit only one, instead of two, 10-year renewals and require submission of the renewals to Congress for 120, rather than 60 days prior to execution. These provisions will definitely allow for careful review of the project's impacts by the Park Service and Congress prior to renewal of the permit.

As the ranking member of the National Parks and Recreation Subcommittee, I strongly support this legislation. Furthermore, I commend Chairman VENTO and Representative PASHAYAN for their efforts to resolve the minor problems which have arisen with regard to this legislation. I believe the agreement embodied in this bill satisfies all of the concerns and I urge my colleagues to support this measure.

Mr. Speaker, I yield to the gentleman from California [Mr. PASHAYAN], the author of the legislation.

Mr. PASHAYAN. Mr. Speaker, I should like to associate myself with the remarks of the chairman of the Subcommittee on National Parks and

Recreation, Mr. VENTO, and the ranking member, Mr. LAGOMARSINO, regarding House Joint Resolution 382 and the amendments made by the other body.

It has been noted that only two items differ. One is to reduce the number of renewals from two to one. The other is to require that any renewal permit lay before the Congress for 120 rather than 60 days. As the sponsor of this legislation in the House of Representatives, I am pleased to accept those amendments and to endorse the bill as it has evolved. Not only is the legislation bipartisan in its development in the House, but also in its present form as passed by the other body.

I should like to take this opportunity to thank the gentleman from Minnesota for his patience and cooperation, and to thank as well the ranking member, the gentleman from California, for his counsel. Further, Mr. Speaker, I want to thank Mr. Dale Crane and Mrs. Lori Stillman of the Committee on Interior and Insular Affairs, and to thank the Southern California Edison Co. and the National Park Service whose guidance and support was so necessary in the development of this legislation.

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 11, 1986.

AWARDING CONGRESSIONAL GOLD MEDALS TO JAN SCRUGGS, ROBERT DOUBEK, AND JACK WHEELER

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2591) to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler, as amended.

The Clerk read as follows:

H.R. 2591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the President of the United States is authorized to present, on behalf of the Congress, to Jan Scruggs, Robert Doubek, and John Wheeler, one gold medal each of appropriate design in recognition of their tireless efforts to give the Vietnam Veterans Memorial to the Nation. The Vietnam Veterans Memorial symbolizes for the Veterans the concern the American people have for them and the respect they feel for their service and their sacrifice, and for all Americans the Memorial expresses a spirit of reconciliation that preserves us as a Nation.

(2) For the purpose of this section, the Secretary of the Treasury is authorized and directed to cause to be struck three gold medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There is authorized to be appropriated not to exceed \$25,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal. The appropriation made to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2591 authorizes the presentation of a special congressional gold medal to Jan Scruggs, Robert Doubek, and John Wheeler. These medals will be presented, on behalf of the Congress, to these three men who are responsible for erecting the Vietnam Veterans Memorial.

The bill is cosponsored by 260 Members, far more than a majority of the House. I am proud to be one of the cosponsors.

In 1979, Jan Scruggs conceived the idea of erecting a memorial to Vietnam veterans. He had served and had been wounded in Vietnam, and saw a memorial as a way of recognizing the veterans and healing the deep divisions caused by that war. He was the founder of the Vietnam Veterans Memorial Fund, and served as its president from its inception. He worked tirelessly for the memorial and his efforts inspired others to join in the effort. Throughout the years of work, he never lost sight of his concern for veterans and the goal of a memorial to heal the wounds of the war.

Robert Doubek joined Jan Scruggs as a cofounder of the Vietnam Veterans Memorial Fund. The fund was established as a nonprofit, privately supported foundation to erect the memorial. A successful attorney at that time, he took a great risk and a 50-percent pay cut to become the full-time project director of the fund. He coordinated the efforts to secure support from veterans organizations. He organized the fundraising for the memorial. He was responsible for verifying the completeness and accuracy of the names inscribed on the wall. He organized and managed the dedication ceremonies in November 1982.

John Wheeler first heard of the efforts to build a Vietnam Veterans Memorial when he saw a report of Jan Scruggs' problems in raising money for the memorial. He quickly volunteered to help. Since 1979, he has served as chairman of the fund's board of directors. He has given thousands of hours of volunteer time for which he received no compensation. He repeatedly made the proper decision to keep the project from foundering in the face of harsh opposition when a single misstep would have ended all hope of building the memorial.

The Vietnam Veterans Memorial serves not only as a moving remembrance to those who sacrificed their lives at the request of their Nation, but also as a symbol of national reconciliation. It has helped heal the bitter legacy of the Vietnam war. It has helped the Nation confront the divisiveness of the Vietnam war and moved us toward reconciliation. The memorial recognizes the sacrifices made by our Vietnam veterans and served as a reminder for the need for national unity.

The memorial would not have been built without the hard work, faith and determination of Jan Scruggs, Robert Doubek, and John Wheeler. The memorial has helped this Nation achieve peace with our past.

H.R. 2591 recognizes those who have helped accomplish the healing process. Without the efforts of Jan Scruggs, Robert Doubek, and John Wheeler there would be no Vietnam Veterans Memorial and the wounds of that war

would continue to fester. For this, they deserve congressional gold medals.

Mr. Speaker, in closing, let me make a few comments about the role that the gentleman from Pennsylvania, my distinguished friend and colleague, Mr. RIDGE, a member of the subcommittee, has played in this legislation.

The gentleman from Pennsylvania [Mr. RIDGE] is opposed to the legislation, and as an enlisted combat veteran of Vietnam, he has the credentials to support his opposition. I want to commend the distinguished gentleman from Pennsylvania for the outstanding manner in which he has conducted himself during the legislative journey of this bill. He has engaged in honest dissent, and at no time has he engaged in any delaying tactics or has he engaged in anything except the highest level of the legitimate dissent.

Although I do not agree with the position of the gentleman from Pennsylvania on the legislation itself, I agree with his right to dissent, for although as a Member of this body he has a right to such dissent, he earned that right long before under enemy fire in Vietnam.

Mr. Speaker, I want to urge my colleagues today to vote "aye" on this legislation, because regardless, the criteria of the committee has been met. There are 260 cosponsors.

This memorial has served as a healer in healing the Nation and it has brought the Nation back together after a terrible, terrible ordeal.

I urge my colleagues to vote "aye" on the legislation.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with some reluctance that I stand in opposition to H.R. 2591, legislation to award congressional gold medals to three individuals in recognition of their tireless efforts to give this Nation a Vietnam Veterans Memorial, because I fear that my position might be misunderstood.

I want to make it clear today that my opposition to this medal has nothing to do with my feelings about either the Vietnam war or those men and women who served in that conflict. Although our Nation's involvement in Vietnam was controversial, those who served their country in that war deserve our fullest respect, recognition, praise, and thanks.

I am pleased to say that Congress has seen fit to pay tribute to the veterans of Vietnam with the authorization of a national medal in their honor. In the 98th Congress, both the House of Representatives and the other body recognized the members of the Armed Forces of the United States who served in the Vietnam conflict by adopting legislation authorizing the production of a Vietnam veterans national medal. On October 30, 1984,

President Reagan signed this bill into law, and the medal is now available for purchase by the general public.

I am proud to say, Mr. Speaker, that I was a cosponsor of the Vietnam Veterans National Medal Act, despite the fact that I rarely put my name on a medal bill. And I was not alone in giving strong support to this particular bill; 246 Members of this body joined the sponsor of the legislation, the distinguished chairman of the Consumer Affairs and Coinage Subcommittee, Congressman FRANK ANNUNZIO, in attaching their names to the bill. Moreover, on October 18, 1983, 410 Members of this body voted to adopt the Vietnam Veterans National Medal Act. Not a single Representative voted against it.

I also want to make it clear that my opposition to the medal bill before us today has nothing to do with the existence or design of the Vietnam Veterans Memorial. The memorial is a wonderful and moving tribute to those who gave of themselves so valiantly in service to their country. Moreover, the memorial has contributed immensely to healing the wounds suffered by our Nation as a result of the Vietnam experience.

Nor does my opposition to this medal reflect a lack of respect for the efforts of Messrs. Scruggs, Doubek, and Wheeler to ensure that a memorial was erected in honor of Vietnam veterans. Certainly, these three men contributed substantially to the construction of this fine tribute, and should be recognized for their efforts.

Rather, my opposition to this medal bill has to do with the appropriateness of awarding a congressional gold medal to any individual simply for his role in erecting a monument, no matter how significant and emotionally charged that monument may be.

Mr. Speaker, the congressional gold medal has a long and for the most part, illustrious history. The very first such medal was awarded to George Washington, the father of our country. Other recipients through the years have included individuals of such distinguished service and contributions as Jonas Salk, Thomas Edison, Robert Frost, Hubert Humphrey, Robert Kennedy, and Winston Churchill.

According to historians on the subject, when Congress instituted the congressional gold medal during the first years of our Nation, its Members intended the medal to be awarded only in recognition of the highest achievements. As such, they designed the medal to be awarded only sparingly, as they were convinced that the value of reward is enhanced by its rarity.

Unfortunately, Congress in recent years has strayed from this original intent. This is reflected in both the relative numbers of such medals awarded in recent years and the level

of achievement of some of the individuals who have been so honored. In the first 100 years of our Nation, only 53 congressional gold medals were awarded. In the little more than 100 years that have passed since our Nation's centennial, 68 congressional gold medals have been authorized; 27 of these have been awarded in the last decade, and 16 of them have been authorized since 1981. In the 97th, 98th, and 99th Congresses alone, nine congressional gold medal bills have been enacted into law, authorizing a total 11 gold medals. Although some of these 11 medals were certainly deserved, others of them are of questionable merit.

The bill before us today is of concern, not because the three designated recipients are underserving of respect and recognition, but because their accomplishments to date do not appear to be of sufficient stature to warrant a congressional gold medal. I am not sure their contribution to building a memorial compares to the lifetime contributions made by such past honorees as George Washington, Jonas Salk, Thomas Edison, Robert Frost, Hubert Humphrey, Robert Kennedy, and Winston Churchill. Moreover, Congress has never before deemed it appropriate to award a medal for the administration, designing or building of a memorial or monument, of which there are many significant ones in our country.

Mr. Speaker, I ask my colleagues to carefully consider their vote on the congressional gold medal bill before this body today. A vote against H.R. 2591 is not a vote against the Vietnam veteran, nor is it a vote against the contribution made by three individuals who along with countless others worked hard to bring a Vietnam Veterans Memorial to our country. Rather, a vote against H.R. 2591 is a vote to restore and maintain the significance and meaning of the congressional gold medal as a medal awarded to individuals in recognition of the highest of achievements and a lifetime of service.

□ 1225

Mr. ANNUNZIO. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], who is also a veteran of the Vietnam war.

Mr. BONIOR of Michigan. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am proud to appear here today in strong support of H.R. 2591, a measure introduced by the gentlewoman from Nevada [Mrs. VUCANOVICH] and myself.

This is a bipartisan measure cosponsored by more than 250 Members of this House. I want to commend the gentlewoman from Nevada for the energy and the leadership she has

shown in advancing this bill. I also want to pay tribute to the chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], who has been fair and understanding and has done, I think, an excellent job in handling this issue which has not at all times had smooth sailing, to say the least.

Mr. Speaker, for over 20 years this Nation revered its warriors who joined battle against those who sought through force to alter our chosen way of life. Today, places like Yorktown and Omaha Beach are pilgrimages for those who never experienced the glory, yet they feel a sense of intangible gratitude for those who actually did.

The soldiers of the Vietnam war met our Nation's highest standards of service, the house-to-house battle for Hue, the murderous shelling that were absorbed by our soldiers at Khe San, tested the courage of our soldiers no less than the battles of World War II and Korea. Yet, if the courage was the same, the war was not. It was hard to separate the war from the divisive debate over the Vietnam war and separate that war from the warrior and the Nation was slow to recognize the Vietnam veteran.

Today, a new attitude is moving across the Nation. Our country has begun to remember and to honor those who served their Nation during one of the most difficult periods in our history. In November 1982, the Nation paused to mark the dedication of the Vietnam Veterans Memorial. Tens of thousands veterans joined in their own parade down Constitution Avenue during that memorable week. Thousands crowded into a small chapel in the National Cathedral to listen to veterans. Friends and relatives read the names of those who fell in battle or who are still missing in action, more than 57,000 in all.

More than any other single event, the Vietnam Veterans Memorial forged our Nation's new willingness to honor Vietnam veterans and to reconcile the emotional wounds, the deep emotional wounds, this country incurred from the Vietnam war. More than any other single event, the Vietnam Memorial has allowed this Nation the opportunity both to honor the individuals who sacrificed their lives for us and to finally welcome home the soldiers who returned.

This week we have an opportunity to honor the three Vietnam veterans who gave this Nation the Vietnam Veterans Memorial, who gave this Nation a chance to remember and to change: Jan Scruggs, John Wheeler, and Robert Doubek. Building the Vietnam Veterans Memorial was not easy. The very idea of the memorial itself was controversial, and its striking design even more so. There is only a Vietnam Veterans Memorial today because

these three men stood tall against tremendous pressure.

Great changes never come easily, Mr. Speaker. The decision to forget the war and its veteran made by the entire Nation reinforced for a decade could not be reversed in one day, and without controversy. It required discipline and commitment over the years. Let those who wander by the Vietnam Veterans Memorial pause to look at the statue, then read from the names, and to remember—to remember those who served in the sorrow of a nation that turned away. But I think it is also important that they should remember that despite the years of delay, we came together as one people to honor our dead, to praise the living, and to plant this memorial forever in the memory of our people.

Because of the devotion and dedication of Jan Scruggs, John Wheeler, and Robert Doubek, this country has been given the opportunity to heal the wounds left by the Vietnam war and to reconcile a part of our history that we too easily try to forget.

The congressional gold medal is indeed one of the highest honors this Nation may bestow, but I believe we all know that the award of these medals cannot compare to the gift that these three men have already made to our country.

Mr. Speaker, I am deeply honored for this opportunity to gratefully acknowledge the achievements of these three outstanding individuals and I urge support for H.R. 2591.

Mr. HILER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to have the opportunity to say a few words about H.R. 2591. First, I would like to take this opportunity to thank the gentleman from Illinois [Mr. ANNUNZIO], the distinguished chairman of the Subcommittee on Consumer Affairs and Coinage, for bringing this bill to the floor and for his leadership during the consideration of this legislation. He has been extremely gracious and understanding of all of the Members' feelings and any objections to the bill, as well as of those of us who support the bill.

Mr. Speaker, on May 22, 1985, I introduced H.R. 2591 with Mr. BONIOR, Mr. KASICH, Mr. DASCHLE, Mr. BILIRAKIS, and Mr. EVANS of Illinois as original cosponsors. Since that time the legislation has gained a clear majority of bipartisan support, for a total of 260 cosponsors.

As you know, this legislation, which passed the other body by a voice vote on November 14, 1985, provides for a gold medal in honor of Jan C. Scruggs, president of the Vietnam Veterans Memorial, Robert W. Doubek, execu-

tive director of the Vietnam Veterans Memorial, and John Wheeler, chairman of the board of the Vietnam Veterans Memorial.

It is through the tireless efforts of these caring and dedicated individuals that the Vietnam Veterans Memorial became a reality, thereby creating a tangible symbol of recognition of the sacrifices of the Vietnam veteran.

Under their leadership and direction the necessary funds to establish the memorial were raised entirely through contributions from corporations, foundations, unions, civic organizations, veterans, and more than 275,000 individual Americans.

Since the dedication of the Vietnam Memorial on November 13, 1982, it is estimated that 25 million Americans have visited the memorial, often drawing over 20,000 visitors a day.

It is altogether fitting that these three men be recognized for their efforts in seeing this dream become a reality—a dream that has been a major step in healing the wounds of a country pained by the Vietnam war. The Vietnam Veterans Memorial is the single most important step in honoring those who served in the Vietnam war and uniting our Nation in recognizing those men and women who gave their lives for our country. It is fitting that we honor the three individuals who have made this tremendous contribution to our veterans and their families, and thus, our country.

I am proud to be a member of a military family, which includes Vietnam veterans, who served their country and made sacrifices for its citizens. I urge the positive consideration of this legislation to recognize these Americans for their relentless determination to honor our Vietnam veterans.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

□ 1235

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 2591, and I urge my colleagues to offer their support. This legislation authorizes the U.S. Treasury to strike three gold medals for Jan Scruggs, Robert Doubek, and John Wheeler, in honor of their tireless efforts to provide a Vietnam Veterans Memorial for our Nation. As a cosponsor of his measure, I thank the bill's sponsor, the gentlelady from Nevada [Mrs. VUCANOVICH], and the chairman of the Subcommittee on Consumer Affairs and Coinage, the gentleman from Illinois [Mr. ANNUNZIO], for their efforts in allowing us to pay tribute to these three brave, committed men.

Anyone who has had an opportunity to visit the Vietnam Veterans Memori-

al can attest to the significant impact that tribute has upon its visitors. For those of us who remember the Vietnam conflict, and those who only know of the tortured history of Vietnam through books; for those who served and returned and those who never served at all; and especially for those others, too many others, who lost loved ones in Southeast Asia; a visit to the Vietnam Memorial is a tremendously moving, emotional experience. The Vietnam Veterans Memorial has allowed the citizens of this Nation to pay tribute to United States citizens who served in Vietnam and to unite our Nation in recognition of their efforts. Since its dedication in 1982 it is estimated that over 20 million Americans have visited the memorial. None of this would have been possible, however, without the vision, commitment and unrelenting fortitude of its founders, Jan Scruggs, Robert Doubek, and John Wheeler.

A wounded and decorated former infantryman, Jan Scruggs conceived the idea of the Vietnam Veterans Memorial Fund [VVMF] in 1979, recognizing the need for families, servicemen, and the Nation as a whole, to reconcile our involvement and subsequent withdrawal from the Vietnam conflict. As founder and president of the Vietnam Veterans Memorial Fund, Jan Scruggs worked tirelessly with Members of Congress and other Federal officials to realize his goal, often against the odds, of erecting a memorial to honor all who lost their lives in the Vietnam conflict.

Robert Doubek left a profitable law practice to become the first full-time employee of the VVMF and serve as the foundation's executive director. In his capacity Mr. Doubek coordinated the authorizing legislation, direct mail fundraising efforts and verified the completeness and accuracy of all the names inscribed on the memorial. John Wheeler volunteered countless hours as chairman of the VVMF Board and recruited volunteers who have served as directors and advisers.

Without the extraordinary contributions made by these three men I believe that today there would not be a Vietnam Veterans Memorial. Honoring these three leaders with congressional gold medals is fitting, appropriate and most timely. We must not forget those who sacrificed their lives for us, nor can we forget the 2,400 servicemen that still remain unaccounted for in Southeast Asia as a result of the Vietnam war. As vice chairman for the task force of POW's/MIA's I commend these outstanding Americans for their efforts to heal the emotional scars brought about by the Vietnam war and I urge my colleagues to adopt this important measure.

Mr. HILER. Mr. President, I yield 3 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, as the original sponsor of the bill (H.J. Res. 431) October 25, 1979, that authorized the construction of the Vietnam Veterans Memorial on Federal property, I want to inform my colleagues about a draft letter I have received from a number of combat veterans of the Vietnam war.

I will read from that letter:

We the undersigned, all being combat veterans of the Vietnam war, believe it would demean the traditional standards for the congressional gold medal if it were awarded to these three men.

Our quarrel is not with the memorial itself. While we are pleased with it as it now exists, we hope our colleagues would understand that the award of the congressional gold medal is not being proposed for the 58,000 war dead honored at that site, nor for the myriad of well-intentioned Americans who gathered together, often despite the failed leadership of the Vietnam Veterans Memorial Fund, to produce the memorial. It is being proposed for three individuals who have already benefited greatly from their association with this project, in financial and other ways, and whose conduct before, during and after the consideration of the memorial project has not measured up to the historical standards for the congressional gold medal. It occurs to us that perhaps many of those who have signed onto this legislative proposal as cosponsors have not separated their view of the memorial from a deserved analysis of these three individuals.

The congressional gold medal has traditionally been awarded for such contributions as "valor or extraordinary bravery," "lifetime philanthropy," "lifelong service," "extraordinary achievements for humanity," "lifetime public and patriotic service," and "selfless dedication," as described in typical recent citations. Prominent individuals whose achievements have been historic, such as George Washington, Winston Churchill, Douglas MacArthur, John Paul Jones, Hubert Humphrey, and Dr. Jonas Salk are examples of the only 116 people who have received this honor in the last 200 years. We would ask our colleagues to consider whether the conduct of those who have conducted the affairs of the Vietnam Veterans Memorial Fund, partially addressed below, meets such historic standards.

I will not read the entire letter because I do not have enough time allocated, but the main point they make is that these individuals received financial and other benefits from their association with this project beyond what one might normally associate with an effort of this sort. I realize that certainly the chairman of this committee Mr. ANNUNZIO, and Mr. HILER, are acting in good faith in bringing this measure to the House floor as is Mrs. VUCANOVICH, the chief sponsor. I think that the other side needs to be heard and I am pleased to have this opportunity to make known the views of these combat veterans of Vietnam.

I plan to vote against H.R. 2591.

Mr. HILER. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I am a Vietnam veteran and count among my

friends others who served honorably and well in Southeast Asia, many of whom still bear the physical and psychological scars of that experience, some who are listed among the rollcall of dead inscribed on the wall of the Vietnam Veteran's Memorial, some with whom I trained, some whom I trained, and some with whom I served in Vietnam.

It is therefore with a deep personal and, admittedly, an emotional perspective that I approach any matter related to Vietnam veterans; particularly those actions or events which reflect directly on the integrity of those who gave their blood and, too often their lives, in the service of their country.

Therefore, Mr. Speaker, I rise in reluctant but strong opposition to this measure. I am mindful of the contributions these three men made to the Vietnam Veterans Memorial, particularly the wall. I am also aware of the efforts of several other veterans who worked for the VVMF without compensation who prevailed over the objection of these three to include a pathway for our disabled veterans, the statue and the flag. As a Vietnam veteran, I am grateful for all their efforts, but I cannot support the awarding of this honor to any of them.

In the past—for more than a decade—Vietnam veterans, as a group, were among the most reviled in our society. Routinely portrayed in the press, television, books, and motion pictures as an assortment of criminals, addicts, sociopaths, and barbaric mercenaries, it is little wonder that Vietnam veterans were considered outcasts in the very country they had selflessly served.

In recent years, those characterizations—quite frankly, slanderous portrayals—have abated somewhat and with that, has come a shift in public perception of the Vietnam veteran. Few will argue that this change in attitude is due largely to the quiet assimilation of Vietnam vets in every quarter of American society where their achievements, frequently remarkable successes, have earned for them the respect and admiration of those who once viewed them with suspicion, if not outright contempt. Today, we see Vietnam vets holding important leadership positions in business, government, law, medicine and any number of other occupations.

As any Vietnam vet will tell you, Mr. Speaker, these gains in public confidence did not come easily; nor, were they the result of any sweeping change in media attitudes toward Vietnam or those who fought there. These gains were earned by veterans in the communities where they live, work, and play.

Napoleon's cynical observation that "history is nothing more than lies agreed upon" is a bitter lesson most

Vietnam veterans were forced to learn firsthand. But through that experience they also found that with diligence, tenacity and quiet courage they could set the record straight and become the custodians of not only their own place in history but the honor of their fallen brothers as well.

It's this responsibility—to vigilantly preserve the integrity and dignity of those who served—that causes me to question both the propriety and wisdom of singling out any Vietnam veteran for the honor which we are considering here today.

Briefly, Mr. Speaker, I'll summarize my concerns.

There is the matter of qualifications. A review of the history of the congressional gold medal and its recipients reveals a pattern of criteria which would be difficult to ignore.

From George Washington to John Paul Jones to the Wright brothers, Thomas Edison and Dr. Jonas Salk, the prerequisites for such an honor are "distinguished service," "valor," "humanitarian activities." Many past gold medal recipients, great Americans like President Truman, Robert Kennedy and Senator Hubert Humphrey were cited posthumously, and only after a lifetime of "public service and selfless dedication."

The language of the bill characterizes the memorial as a symbol of the concern and respect of the American people for the service of veterans and, for all Americans, the spirit of reconciliation "which preserves us as a nation." The respect and reconciliation that is referred to in the legislation language has a dimension far beyond the memorial which I believe needs recognition today. Most Vietnam veterans returned from their tour at peace with themselves. Vietnam veterans had earned that respect by their performance on the battlefield. Admittedly, it was not immediately forthcoming. While the memorial may have raised the level of consciousness of this Nation. The actions of individual veterans in their own communities has done as much, and some might argue more, to nurture the respect and reconciliation attributed exclusively to the memorial. Most Vietnam veterans have returned home and in a quiet, productive, and patriotic way contributed to their communities and their country in full view of the Nation that was initially critical and at times unwilling to recognize their sacrifice and commitment as soldiers.

Throughout this country, we have Vietnam veterans serving in public office, in the sciences, factories, shops, professions. I could name many, but only recount briefly the stories of a few men, who continue to serve their fellow veterans and their communities in northwestern Pennsylvania.

Gary Orlando, a totally disabled veteran, worked feverishly to establish

and to administer a Vietnam veterans leadership program in Erie, PA, in between frequent visits to the VA medical center in that community. Jack Erhardt and Elmer Smith, both wounded combat veterans, are involved daily in outreach efforts to assist veterans. Mike Rossi, another veteran, has done volunteer casework for veterans of all wars for years and his friend, Charlie Schmitz, another totally disabled veteran, has spent hundreds of volunteer hours working with other Vietnam veteran volunteers in support of a variety of veteran and community-based activities. Wayne Stratos, has overcome numerous obstacles and with his tenacity and commitment has finally established a veterans outreach program in his community. These selfless contributions of veterans helping veterans and helping others within their community in northwestern Pennsylvania are magnified thousands upon thousands of times throughout all 435 congressional districts. These men and women work without recognition and without reward. They seek none.

For those of us who are Vietnam veterans, or for that matter combat veterans of any war, we share the knowledge that but for the grace of God, we may have been the ones to die. But for the grace of God, we are the ones whose names might be etched in stone on the memorial. For that reason, we bear greater responsibility to live honorably, we bear greater responsibility to our fellow veterans and to our community. Each of the lives that were lost in Vietnam makes each one of ours all the more valuable. The contributions of the men and women who work quietly in their communities, as well as the nameless volunteers whose energy and commitment to the establishment of the memorial went equally unnoticed, have all significantly contributed not only to the symbol, but also to the actual spirit of reconciliation and respect that exists in this country today.

I am not casting aspersions on the three nominees here today. Rather, my question is how do we justify these three single citations in this instance and ignore all the rest. What do we say to the hundreds of good men and women who selflessly gave of their time and talents to see that the memorial was built so that those who died defending this country would not be forgotten. How do we justify these citations when there are tens of thousands of Vietnam veterans whose daily lives, whose very existences are literally profiles in courage; some are confined to wheelchairs, some are strapped to artificial limbs. Still others continue to struggle with invisible, but no less debilitating wounds. In war, all sacrificed much for a country who showed little or no gratitude. Now, in peace, many quietly continue to contribute to their families, commu-

nities and Nation without regard for reward or recognition. In my mind, the contribution of all of these people to the spirit of respect and reconciliation identified in the legislation, is as genuine, significant, noteworthy, and, in my mind, as laudable, if not more so, than the three we seek to honor today.

Which brings me to my final point.

Most Vietnam veterans, and probably all combat veterans, carry memories of the sacrifices, heroism and death of those men and women whose names appear upon the wall. They are aware of the circumstances involved in the 300,000 soldiers who were wounded in battle as well.

Every one of those veterans is an individual story. Every one who has died in battle, fighting for the United States of America, and in our history there are over 1 million men and women, has made a sacrifice upon which future generations have been able to build. Those men and women whose names appear on the memorial and their individual stories, acts of bravery and sacrifice are very much a part of the foundation upon which our generation was built. Our lives are that much more valuable because of their sacrifice. Our responsibility to our families, communities and country are greater because of their sacrifice.

While many of my colleagues, as well as other Vietnam veterans respect the efforts of the three nominees, in my mind, nothing, absolutely nothing that they have done is comparable to the sacrifice of their slain comrades. Duty, honor, country—valor, dedication, patriotism—by any standard, each of these men, those who died and those who were wounded, and those who quietly go about their personal and professional business in their communities today would more than qualify for the congressional gold medal.

Mr. Speaker, those men and women who worked on the Vietnam Veterans Memorial fund assumed an obligation and sacred trust the likes of which they never had nor will have again. They were the custodians of the most cherished and revered gift our generation had to offer this Nation. The blood and lives of our brothers.

Whatever their reasons for doing so, they carried out those responsibilities and brought home America's bravest sons. That, it seems to me, is an honor that no man can come close to duplicating, a tribute to the heart and spirit which they will carry with them always. A wise and honorable man would be grateful for that and ask for no more. The singling out of these three men, whose actions were indeed commendable, mocks the notion of self-sacrifice and does a disservice to all. It is inappropriate to honor those who build monuments. It is only appropriate to honor those whose names appear on the wall. What is the memo-

rial supposed to honor, Mr. Speaker, those who built it or those for whom it was built. I urge my colleagues to vote "no."

□ 1245

Mr. HILER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I would agree with my friend from Pennsylvania, Mr. RIDGE, that the people whose names appear on that wall went into combat, some making \$100 a month, some \$200, \$300, \$400 a month, and went through a lot of sacrifice.

The builders of monuments have made hundreds of thousands of dollars. Mr. Scruggs and Mr. Doubek have made, my estimate is in excess of \$300,000. Mr. Scruggs gets honorariums of \$1,500 a whack to talk to people about building the monument, and I can remember trying to get the American flag put in the middle of that monument. It was a very difficult thing, and it appeared to me that the VVMF was the most violent opposition to the placing of the American flag at the apex of the monument and ultimately, they succeeded in moving the flag out of the monument to the position near the Lincoln Memorial where it now stands.

I agree very strongly with the gentleman from Pennsylvania [Mr. RIDGE] that we should be honoring the people whose names appear on the wall, and not the builders of the monument.

Mr. ANNUNZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], to close the debate.

Mr. BONIOR of Michigan. Mr. Speaker, I would like to address some of the arguments that have been raised here on the floor. It has been argued that somehow, by granting these gold medals to these three individuals that we take away somewhat the honor that the country has bestowed on those who gave their lives in that war; yet the truth is that the Gold Star Mothers of America really are the strongest advocates of this bill.

Those who find insult, I think, in these gold medals do so over the very, very strong objections of the mothers of more than 58,000 men and women whose names grace the two long walls of the Vietnam Veterans Memorial.

A letter was read earlier by some Vietnam combat veterans in opposition to these medals. I should point out clearly here that there are tens of thousands of Vietnam veterans who stand in support of this piece of legislation.

The Nation's largest Vietnam veterans organization, which was just given a charter recently, the Vietnam Veterans of America, are in support of this, as well as, I believe, the Veterans of Foreign Wars. Both strongly endorse

these gold medals for these three individuals.

Now, finally, in the remaining time that I have, it has been argued that there has been financial gain by these three gentlemen. It should be understood that Jan Scruggs' highest salary was \$35,000 a year. Mr. Robert Doubek's average salary, over 43 months, was \$38,000 a year. Those are not exorbitant salaries given the scope and the magnitude of what these three outstanding individuals had to cope with to erect this memorial.

So in every way I think these people have passed the test over a period of time, and it seems to me that they have healed this Nation in a way no legislation could have healed this Nation in that divisive war, and they are certainly deserving of these medals, and I urge a "yes" vote.

Mr. SYNAR. Mr. Speaker, I became acquainted with Jan Scruggs as did many Americans—through the media coverage of his efforts to recognize Vietnam Veterans and build the Vietnam Veterans Memorial.

The May 1985 National Geographic article on the Vietnam Veterans Memorial which also featured Jan and his heroic efforts, inspired me to nominate him for the National Jaycees Ten Outstanding Young Americans Award.

The Jaycees agreed with me that Jan should be recognized for his valuable service—bringing recognition to veterans who fought for our country and helping a nation come to terms with the war in Vietnam.

Jan, Robert, and John deserve this Nation's honor and respect for their efforts. Their task was a difficult one. Few could match their dedication and I can't think of a better way to say thanks to these three men than by awarding them a gold medal of honor.

Mr. HOYER. Mr. Speaker, I would like to congratulate our colleague, Congresswoman BARBARA VUCANOVICH of Nevada, for honoring three Vietnam veterans for their inspired leadership in the construction of the Vietnam Veterans Memorial. In addition, Congressman FRANK ANNUNZIO of Illinois, the chairman of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance, and Urban Affairs, is to be commended for his stewardship of this legislation. I am proud to be a cosponsor of H.R. 2591.

As Jan Scruggs, the president of the Vietnam Veterans Memorial Fund [VVMF], noted:

The Vietnam Veterans Memorial will provide a special tribute from the people of this country to those who served. The memorial will make no political statement about the war, as is proper, because in coming to grips with the history of Vietnam, our nation must separate the issue of the war itself from the issue of how the veterans served their country.

Regardless of one's position on American involvement in Vietnam, all must agree that the men and women who answered their country's call—and in particular the more than 55,000 Americans who did not return—deserve their country's respect and recognition. Mr. Scruggs' words will continue to stand as eloquent testimony to the emotional impact of the Vietnam Veterans Memorial. No one who

visits that polished, black granite memorial can come away unmoved.

Mr. Scruggs, a resident of the State of Maryland, grew up in Bowie, MD, a town within the Fifth Congressional District, which I represent. By his diligent and dedicated work on behalf of his comrades-in-arms from Vietnam, Mr. Scruggs has demonstrated that he is much more a resident of a particular town or of a particular State. In the truest sense of the word, Jan Scruggs is an American, and I am proud to know him.

By authorizing the President to present gold medals to Jan Scruggs, as the president of the VVMF; Robert Doubek, as the project director; and John Wheeler, as the chairman; the House of Representatives will have acted appropriately to honor the memory of those who died in Vietnam. Scarcely anyone does not know someone who died in Vietnam, who was wounded in Vietnam, or who served in Vietnam. The "Wall" provides a moving reminder of their sacrifices and service.

The 99th Congress, in honoring the three Vietnam veterans who played such a pivotal role in the establishment of the memorial, will be honoring all the men and women who served their country during a difficult period in American history. Jan Scruggs and his colleagues from the VVMF are richly deserving of their country's gratitude and tribute.

Mr. MCCAIN. I rise in opposition to H.R. 2591. Initially, when I signed on as a cosponsor to this legislation, I felt that rewarding Jan Scruggs, Robert Doubek, and John Wheeler was a good idea for all the hard work it took in establishing the Vietnam Veterans Memorial. However, since that time, I have obtained information that Messrs. Scruggs and Doubek received remuneration in excess of \$300,000 for their efforts. And consequently, this bill no longer merits my support, nor that of anyone here in Congress.

Let me make one thing absolutely clear, we owe a debt of gratitude to these individuals. As well as all the others who were involved in making the Vietnam Veterans Memorial a reality. I would fully support a congressional resolution acknowledging and expressing our appreciation for their contributions in organizing and ultimately establishing the Vietnam Veterans Memorial. But awarding these three the congressional gold medal is not an appropriate tribute for their efforts.

Traditionally the gold medal has been awarded for contributions such as "valor or extraordinary bravery," "lifetime public and patriotic service," or "lifetime philanthropy." Prominent individuals whose achievements have been historic. Such as George Washington, Winston Churchill, Douglas MacArthur, John Paul Jones, Hubert Humphrey, and Dr. Jonas Salk are examples of the only 116 people who have received this honor in the last 200 years. I ask my colleagues to consider whether these three individuals should be placed in the same category as these men whose legendary efforts have altered mankind's destiny.

I have known many people whose efforts and achievements warranted their admission to this select group. And I am sure everyone of my colleagues is aware of someone whose extraordinary commitment and accomplish-

ments could justify their receipt of a congressional gold medal. But, are we going to award this prestigious award to everyone whose efforts are appreciated. Or are we going to maintain some semblance of historic perspective and regard only those whose selfless dedication and lifetime public and patriotic service profoundly impacted our Nation and our world?

We, as a nation, have redressed the years of neglect toward those who served proudly in Vietnam. The Vietnam Veterans Memorial is now in place and healing wounds. Thanks to the efforts of many. Many people, including several who in the best tradition of public service declined publicity. Financial payments, and other benefits for their assistance. I urge all of my colleagues to oppose H.R. 2591. And perhaps, we can show our gratitude through the introduction and passage of a congressional resolution.

Mr. FRENZEL. Mr. Speaker, H.R. 2591 awards Congressional Gold Medals to three individuals who were stellar performers in the creation of the Vietnam Memorial.

Like most Americans, I am grateful for the splendid efforts of the three. I liked the memorial from the start. I like it today.

But I believe we have let the medal program get away from us. In a sense, nearly every American has performed good service to the Republic. But not all should receive a gold medal from Congress. It should be awarded only for extraordinary service, achievement, or action.

In the last 5 years, we have spread a lot of medals around. Each of the recipients has performed admirably, but there have been too many of them. The gold medal is losing its luster. The product is being cheapened.

I shall vote no because I want this very special award to be given on a more carefully planned basis to truly extraordinary recipients. I don't want medals which have been given to George Washington, Winston Churchill and Hubert Humphrey, all of whom have been extraordinary recipients, to be awarded at random, even though, like the three builders of the memorial, the recipients' services have been great.

If one-third more of my colleagues agree with me, and the bill fails, the failure will not reflect on the three individuals honored by the bill. It will be a signal to the House leadership that it is time to rationalize the program.

The Congressional Gold Medal is not an award by a committee, a caucus, or even one House. It ought to be an award that all Congress wants to give, and is proud of.

The Speaker should, in consultation with the minority leadership devise a new plan to restore the lost luster of the gold medal. My preference is to establish lifetime achievement criteria, limit the award to one or two per biennium, require a unanimous leadership recommendation and a two-thirds vote.

Mr. SHUMWAY. Mr. Speaker, I am strongly opposed to H.R. 2591, to provide special congressional gold medals to the three gentlemen who built the Vietnam Veterans Memorial.

This is the Nation's highest civilian award. It has previously been bestowed on such patriots and pioneers as George Washington and Dr. Jonas Salk. I do not believe that it is appropriate for us to present such a coveted

award to individuals who build monuments, particularly in light of the fact that they were paid several hundred thousand dollars for their effort. More importantly, if we are of a mind to bestow awards, why are we not extending them to the more than 58,000 men and women who gave their lives? It would be far more fitting to honor those whose names appear on the monument, rather than the three men who constructed it.

I believe that this effort diminishes the value and tribute which should be represented by the medal, and I strongly oppose this legislation.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 2591, as amended.

The question was taken.

Mr. RIDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2591, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

IT'S THE CELTICS—AGAIN

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, in the National Basketball Association, it seems the more things change, the more they stay the same.

Yesterday, at home in Boston Garden, the Boston Celtics offered a basketball primer to the Houston Rockets, and in the process won yet another NBA championship. No one who watched yesterday's game, in fact no one who watched the Celtics amass 67 regular season victories and 15 more in the playoffs, could doubt their supremacy. The 16 championship banners which now hang proudly above the Garden's parquet floor are a testament to the fact that, in Massachusetts, where basketball was invented, the game is played on the professional level with a skill unmatched anywhere.

The key to the success of the Celtics over the years has been their ability to blend the skills of individuals with superior ability into a cohesive, team

effort. Their guiding force for the last 30 years has been Red Auerbach. This year he, general manager Jan Volk, and coach K.C. Jones assembled a team that may very well be recognized as the best in NBA history. In Robert Parish, Danny Ainge, Kevin McHale, Dennis Johnson, the rejuvenated Bill Walton, and the incomparable Larry Bird, the Celtics had the nucleus of a juggernaut that pursued the championship with single-minded determination. To them, and to all Celtics, I want to extend my congratulations on a well-deserved triumph. To the rest of the league, I offer condolences; the new season starts in just 5 months, and the Celtics will be back with the same brand of hustle, skill, and spirit that produces victories, delights their millions of fans, and makes life miserable for their opponents.

REQUIRING UNITED STATES COMPANIES TO CEASE PARTICIPATION IN PRODUCTION, MARKETING, OR DISTRIBUTION OF LIBYAN OIL

Mr. LEVINE of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4847) to require that United States companies cease their participation in the production, marketing, or distribution of Libyan oil, as amended.

The Clerk read as follows:

H.R. 4847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL SUPPORT FOR PRESIDENT'S ANNOUNCED INTENTION TO TERMINATE LICENSES.

The Congress supports the announced intention of the President to terminate, effective June 30, 1986, licenses issued under Executive Order 12543 of January 7, 1986, and Executive Order 12544 of January 8, 1986 (imposing sanctions with respect to Libya), which currently allow certain United States persons to participate in production, marketing, or distribution activities with respect to crude oil produced in Libya.

SEC. 2. REVOCATION OF AUTHORITY FOR UNITED STATES COMPANIES TO PARTICIPATE IN THE PRODUCTION, MARKETING, OR DISTRIBUTION OF LIBYAN OIL.

(a) REVOCATION.—No regulation, ruling, instruction, license, or other authority issued under Executive Order 12543 or Executive Order 12544 shall be effective which would allow any United States person to participate in production, marketing, or distribution activities with respect to crude oil produced in Libya.

(b) EFFECTIVE DATE.—This section shall take effect on June 30, 1986, except that if the date of enactment of this Act is after June 30, 1986, this section shall take effect 30 days after such date of enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LEVINE] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4847. Before talking about the specifics of this bill, I want to take a moment to thank Chairman FASCELL and Chairman BONKER for considering this bill so expeditiously in committee and subcommittee. I especially appreciate this speedy consideration because time is of the essence.

The bill before us, which has over 40 cosponsors from across the political spectrum, including many members of the full Foreign Affairs Committee and Trade Subcommittee, would require United States oil companies still operating in Libya to cease their participation in the production, marketing, or distribution activities with respect to crude oil produced by Libya, by June 30, 1986, or 30 days after enactment of the bill. The effect would be to prohibit the five United States companies now operating in Libya—Amerada Hess Corp., Conoco, Inc., W.R. Grace & Co., Marathon Oil Co., and Occidental Petroleum Corp.—from continuing their operations there.

Mr. Speaker, the U.S. Government has become increasingly concerned about the murderous terrorist activities instigated by, and carried out with, the help of Libya and its erratic, outlaws dictator, Mu'ammar Qadhafi. In response to this increased terrorism, and in an attempt to isolate Libya, President Reagan on January 7 and 8, 1986, issued Executive Order Nos. 12543 and 12544 respectively, which prohibit United States persons—"persons" includes both United States citizens and companies—from participating in any transaction involving Libyan assets. This means, among other things, that imports and exports must cease between the United States and Libya, as must United States credits and loans to Libya, as well as "performance by United States persons of contracts in support of projects in Libya."

After Executive Orders 12543 and 12544 and their implementing regulations were issued, the five oil companies mentioned above applied for and were granted licenses by the Department of Treasury to continue their operations in Libya. These licenses were issued solely for termination activities, to enable the companies to attempt to obtain a fair market value for their assets in Libya.

According to Henry Shuler of the Georgetown University Center for

Strategic and International Studies, the 100 million barrels of oil these companies sold last year on behalf of Qadhafi produced some \$2 billion in revenues for Libya—\$2 billion in revenues that subsidize Qadhafi's terrorism.

During a press conference held at the May economic summit in Japan, President Reagan firmly stated that after June 30, 1986, the five United States oil companies will not be allowed to operate in Libya. The President felt constrained to take this action with respect to United States oil companies operating in Libya because of the difficulty United States involvement created in negotiations with our European allies who we are asking to level economic sanctions against Libya. They rightly point out the inconsistency in our own policy with respect to the operation of United States oil companies in Libya.

The United States has no business engaging in activities which add revenues to the coffers of one of this globe's premier terrorists. This bill would help further isolate Libyan dictator Qadhafi in the Middle East, and remove some of the inconsistency from our policy with respect to that country. Although the administration has announced that the oil companies must cease all operations in Libya by June 30, 1986, this bill would put Congress on record as supporting this policy, and would mandate compliance by the companies.

Section 1 was added during full committee consideration at the initiative of members who wished to express support for the President's decision to terminate by Executive order the oil companies' activities in Libya. As I explained, this bill would mandate compliance by the companies.

Section 2 of this bill, which is identical to the original version and which contains the substantive provisions, revokes the authority of United States companies to participate in activities in Libya.

Again, Mr. Speaker, I want to thank both the chairman of the Foreign Affairs Committee and the chairman of the Trade Subcommittee for their cooperation and for acting so expeditiously on this bill, and I want to thank you for allowing this bill to be considered today by the full House.

This bill makes an important statement, and I urge my colleagues to support it.

□ 1255

Mr. BROOMFIELD. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant support of the bill that is before us at this time. I have been informed by the White House that the President is

going to carry out, using his own authority, actions called for by this legislation. Thus, this bill is not really necessary.

I want to compliment the gentleman from Wisconsin [Mr. ROTH] for his amendment to the bill before us (H.R. 4847) in which he says that the Congress supports the announced intention of the President to terminate effective June 30, 1986, licenses issued under Executive Order 12543 of January 7, 1986, and Executive Order 12544 of January 8, 1986, which currently allows certain United States persons to participate in the production, marketing or distribution activities which respect to crude oil produced in Libya.

President Reagan made this agreement and announced it during the economic summit meeting in Tokyo earlier this year.

While the bill obviously would do no harm, my point is that it is not necessary because it is going to be accomplished by Executive order.

Mr. Speaker, this bill, H.R. 4847, would terminate, by law, the existing regulatory exemptions which permit five United States oil companies to continue taking part in the production, transportation, or marketing of Libyan oil effective June 30, or on the date of enactment, whichever is later.

The legislation also explicitly states Congress' support for the President's announced parallel intention to end those licenses exempting the five, Amerada Hess, Conoco, W.R. Grace & Co., Marathon, and Occidental Petroleum, from the United States economic sanctions imposed on Libya.

American companies reportedly pump 42 percent of Libya's oil. They control in their own right some 16½ percent of Libya's total oil exports. However, it is estimated that more than 90 percent of the revenues earned on their share of the oil exports goes to Libya in the form of royalties and taxes.

This legislation deserves our support for several reasons. There is some disagreement about how important the marketing expertise of the United States companies is in enabling Libya to sell more of its oil at better prices. Nevertheless, however significant the contacts and business expertise of the American companies are, Colonel Qadhafi would no longer benefit from them in his efforts to earn hard currency to fund massive arms purchases and terrorist activities.

Second, ending the exemptions of these five companies from compliance with our economic sanctions would help us to persuade our European friends and allies to join us in imposing such sanctions on Libya's vicious outlaw regime. The Europeans will no longer be able to point to the embarrassing and inconsistent example of the five American companies continu-

ing to participate in the most important sector of Libya's economy. We need to use every effort to convince our European friends to apply economic sanctions because they are Libya's most important oil market. Last year Libya reportedly exported 914,000 barrels per day to Western Europe.

Third, the bill, by ending American companies' participation in Libya's oil business, would stop the United States Government's indirect subsidy of Libyan oil exports inherent in the United States tax deductions the five American corporations get for the high taxes they pay to Libya on the profits earned from their share of Libyan oil exports.

Finally, we hope that the enactment of this legislation will result in fewer Americans being in Libya, and thus, being potentially in danger of one day becoming hostages of the regime in whose oppressive grip Libya is held.

I urge my colleagues to pass H.R. 4847. It is a helpful medicine against the festering sickness which Qadhafi represents.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding time to me.

Mr. Speaker, the bill before us today affirms Congress' support for President Reagan's unequivocal condemnation of Libya's state-sponsored international terrorism.

On January 7 and 8, President Reagan imposed comprehensive economic sanctions against Libya. United States imports of Libyan products or services were prohibited; United States exports to Libya were halted; United States public or private loans to the Libyan Government were banned; Libyan Government assets were frozen; travel to and from Libya was restricted; Americans were prohibited from entering into contracts for Libyan industrial projects; and United States companies were required to divest of their assets in Libya by February 1.

After the early January announcement, several United States companies—notably five United States oil companies—sought authorization from the Treasury Department to close out their Libyan operations through an orderly winddown extending beyond February 1. Given that the United States objective was to maximize economic pressure on Libya without causing excessive and unnecessary harm to United States business, guidelines were drawn up to cover special situations. Where it was likely that the immediate abandonment of contracts would result in a substantial economic windfall to Libya, limited extensions of the deadline were granted.

Five United States oil companies—Conoco, Amerada Hess, Occidental,

Marathon, and W.R. Grace—were given 5 additional months to close out their operations in Libya. These companies were ordered by President Reagan to terminate their operations in Libya by June 30.

Today, we in Congress join in supporting the President. Last year, Colonel Qadhafi gained in \$2 billion in oil revenue taxes. For every dollar earned by U.S. oil companies in Libya, 92 cents go for tax and royalty payments of Qadhafi's coffers.

Questions remain over whether or not other countries will simply swoop in to fill the void left by the departure of American oil operations in Libya. Questions remain over whether or not the Libyan Government itself will simply step in to produce and market its oil resources. And questions remain whether United States long-term oil supply interests are well served by divesting our assets in this part of the world.

Nonetheless, the United States has demonstrated to the world that we are willing to sacrifice our own economic interests for the greater good and safety of the world's people. Our actions speak louder than words. Our actions have demonstrated our resolve. And our actions have spurred others to confront the principal source of today's unconscionable tragedy.

State-sponsored terrorism is a euphemism for unconventional war. Its attractiveness as a weapon of warfare increases every year as its effectiveness in achieving end-goals is increasingly demonstrated. Let us hope that our actions, taken alone and in concert with our allies, demonstrate to terrorists like Colonel Qadhafi that crime in the end doesn't pay.

The bill before us puts Congress solidly behind the President in his commitment to isolate Libya's Qadhafi. I urge my colleagues to support this bill.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York, [Mr. GILMAN] a member of the committee.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, I rise in support of this legislation, H.R. 4847, requiring that United States companies cease their participation in the production, marketing, or distribution of Libyan oil.

After the terrorist attacks of the 1985 Christmas season, President Reagan imposed strict economic sanctions on Libya in January 1986. Included in the sanction list was a requirement that American oil companies still operating there cease their operations by February 1.

It became clear, as January progressed, that such an immediate termination of operations could lead to "windfall profits" to Libya. Under its earlier contracts with the oil companies, Libya can confiscate abandoned

assets and entitlements to oil extraction. Accordingly, the administration granted licenses to some American companies allowing them to remain in Libya while negotiating for the disposition of their properties. Profits from those properties have been placed in escrow.

These licenses will expire on June 30 and President Reagan has said that they will not be renewed.

This legislation provides for the mandatory application of a policy the administration has already announced, and provides that no licenses providing for further operations will be valid after June 30, or 30 days after enactment, whichever is later.

Mr. Speaker, I certainly support the intent of this legislation. The sponsor, the gentleman from California [Mr. LEVINE] has been keenly interested in this issue. He accepted an amendment by the gentleman from Wisconsin [Mr. ROTH] which has the effect of clarifying that the Congress is aware of and supports the administration's intent to end these licenses on June 30 by executive order.

Accordingly, I urge my colleagues to support this bill.

Mr. LEVINE of California. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I would like to thank the representatives of the minority party from the committee for their support. I very much appreciate the support of the gentleman from New York [Mr. GILMAN], I very much appreciate the support of the gentleman from Wisconsin [Mr. ROTH], and I even very much appreciate the reluctant support of the gentleman from Michigan [Mr. BROOMFIELD]. Even though he is not on the floor, if he is listening, I would like to advise him that I welcome even his reluctant support on any of my legislation.

Mr. Speaker, I believe that the gentlemen have all made valid points. I do think one point needs to be made for the RECORD. That is that in the absence of the input from our European allies and perhaps in the absence of the likelihood of legislation such as this, I, and I know a number of my colleagues, having a sneaking suspicion that the termination date that has been imposed by the administration now, as of June 30, might not have been such a quick termination date.

That having been said, I do welcome the amendment of the gentleman from Wisconsin [Mr. ROTH] that was included in the bill in the full committee last week, and I do welcome the initiative of the administration in closing the loophole that was placed in the legislation in the executive orders through the waiver. I do think that the waiver initially was unfortunate in the absence of an early termination date. Now that we do have an early

termination date, I think it is appropriate that the executive branch and legislative branch act in concert to indicate that there will be no additional waivers and no additional loopholes and that the June 30 date will in fact be the date that our companies are required to wind up their operations.

So I do welcome the support of the minority from the committee and am pleased that this bill is here before us with the type of bipartisan support that it enjoys.

Mr. FASCELL. Mr. Speaker, I rise in strong support of H.R. 4847, requiring that United States companies cease their participation in the production, marketing, or distribution of Libyan oil.

Mr. Speaker, terrorism is the scourge of the modern age. The headlines of the last year have too often been a bitter litany of death and destruction. To America's credit, we have sought to take the lead in bringing international terrorism under control.

Today we are considering H.R. 4847, as amended, which would prohibit United States companies or citizens from participating in the production, marketing or distribution of crude oil produced by Libya. The effective date of this legislation is June 30, 1986, or 30 days after enactment.

H.R. 4847 tightens the sanctions imposed in Libya earlier this year by President Reagan. On January 7 and 8 of this year, President Reagan responded to the persistent involvement of Libya in terrorist activities by imposing a ban on trade and other economic relations with Libya.

Some of the sanctions were effective immediately and others were to become effective February 1, 1986. Prior to the February 1 date, the Department of the Treasury permitted United States companies to seek a temporary extension of their activities in Libya. Five United States oil companies—Marathon Oil, Amerada Hess Corp., Conoco, Inc., W.R. Grace & Co., and Occidental Petroleum Corp.—sought and received temporary extensions.

The continued operation of the United States oil companies in Libya has given United States policy the appearance of inconsistency. It has complicated our efforts to secure broader support for our sanctions in Europe and elsewhere.

The original rationale for the extension was to avoid giving the Libyan Government the oil assets as windfall by giving the companies an opportunity to negotiate a settlement. It would be a mistake to exaggerate the extent or likelihood of a windfall. First, the companies will continue to own the assets in Libya and are free to continue negotiations. Second, the bulk of the oil revenues generated by the sale of Libyan oil—about 88 cents out of every dollar—already goes to the Libyan Government. In any case, Mr. Speaker, if Libya continues to support and foster international terrorism, its oil assets could well become a target for more economic sanctions.

At the recent economic summit in Tokyo, the administration announced that after June 30, 1986, the five oil companies could no longer operate in Libya. Mr. Keating, the Assistant Secretary of the Treasury for Enforce-

ment affirmed the administration's intentions at hearings held on May 20 by the Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs. In addition to eliminating the licensed exceptions for the five oil companies, H.R. 4847 also supports the President's announced intention of canceling the licenses as of June 30, 1986. H.R. 4847 is a clear expression of congressional support for that policy.

Mr. Speaker, I would like to commend my distinguished colleague from California, Mr. LEVINE, who took the lead in formulating H.R. 4847, along with colleagues Mrs. SNOWE and Mr. SOLARZ. Once again, I urge unanimous adoption of this legislation.

Mr. ROTH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVINE of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from California [Mr. LEVINE] that the House suspend the rules and pass the bill, H.R. 4847, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2591

Mr. SUNDQUIST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

INTRODUCTION OF DEPOSITORY INSTITUTIONS INSIDER FRAUD PREVENTION ACT OF 1986

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARNARD. Mr. Speaker, most Members of Congress would be shocked to learn that more than one-half of our Nation's recent bank and thrift failures have been due in sub-

stantial measure to the criminal misconduct of bank officers, directors, and insiders. Losses from such failures in a recent 2½-year period totaled almost \$1 billion. What is equally shocking is that many individuals responsible for such insider abuse escape criminal prosecution and civil enforcement action.

The Commerce, Consumer, and Monetary Affairs Subcommittee, which I chair, has conducted an extensive investigation, including numerous hearings, into the failure of the Federal law enforcement agencies to effectively prosecute criminal misconduct by bank officials and insiders, often resulting in bank failures.

I have drafted a comprehensive bill which reflects the findings and recommendations of several reports by the Committee on Government Operations emanating from the subcommittee's hearings and includes, as well, FDIC and FHLBB proposals to improve their ability to prevent insider abuse in the Nation's financial institutions.

My bill would: First, strengthen and standardize the civil enforcement powers of the Federal banking agencies (including prohibition orders against insiders who move from institution to institution); second, allow the agencies to directly penalize appraisers for fraudulent appraisals; third, require agency investigations and public comment for new owners of banks under the change in control acts; fourth, create an exception to the notice provisions of the Right to Finance Privacy Act for possible criminal misconduct by insiders; fifth, require adequate fidelity insurance to cover fraud by financial institution insiders; and sixth, provide more information to the Congress and the public on how the banking agencies are dealing with insider abuse.

I have attached a section-by-section analysis of the bill, and I would hope for its expeditious consideration by the House Banking Committee.

SECTION-BY-SECTION ANALYSIS

A. TITLE I—CIVIL ENFORCEMENT PROVISIONS

Section 101: Scope of enforcement authority includes first- and second-tier affiliates and subsidiaries. The banking agencies have been frustrated by lack of authority to issue civil enforcement orders against persons, usually officers, associated with bank "subsidiaries" and "affiliate service corporations" or with second-tier subsidiaries of thrifts. Important insiders who abuse their roles or perpetuate frauds in financial institutions are often positioned as officers or insiders of such affiliated companies. This section of the bill grants the banking agencies uniform authority to reach these service corporations/subsidiaries and associated persons.

Section 102: Employees and agents of a financial institution subject to removal for improper conduct. Presently the banking agencies can suspend and remove only officers and directors, but not employees or

agents, from a financial institution if warranted. The bill expands this authority to "any other person participating in the conduct of the affairs of" an insured bank or thrift, and specifically includes employees, agents, and stockholders.

Section 103: Industry-wide prohibition orders. Under existing law, a banking agency can prohibit an insider from participating in the affairs of only the financial institution in which he or she is presently located, unless the insider consents to a broader prohibition. Often, a culpable insider leaves one financial institution and goes to work for another, sometimes for an institution falling under another agency's jurisdiction. The second agency is not likely to be aware of the misconduct or abuse preceding the insider's departure from his or her prior employer. This section responds to the problem by, first, conferring on each banking agency authority to prohibit an insider from "participating in the conduct of the affairs of any federally regulated financial institution (including subsidiaries/affiliates) without the prior written approval of the relevant agency, and second, by it requiring that such industry-wide prohibition orders issued by one agency (such as the FDIC) be enforced by another agency (such as the Home Loan Bank Board) against an individual who seeks to switch to a financial institution regulated by this other agency.

Section 104: Prohibition orders allowed after an insider's separation from a financial institution. This section would authorize each banking agency to impose industry-wide prohibition orders against culpable insiders who resign or otherwise depart from an institution before the agency was able to initiate civil enforcement action.

Section 105: Financial gain from improper conduct with respect to another financial institution as ground for removal or prohibition order. At present, a banking agency can remove an officer or director from a financial institution for specified categories or misconduct in that institution, including "financial gain" resulting from the misconduct. However, if the misconduct takes place at another financial institution or other business enterprise, substantial damage to that other entity must be proven in order for an agency to issue a removal or prohibition order against the individual involved. The bill would add "financial gain" to an insider from improper conduct in another business as grounds for removal or prohibition.

Section 106: Disciplinary authority over persons who prepare real estate appraisals for financial institutions. The subcommittee's December 1985 hearings highlighted serious abuses by independent real estate appraisers who submitted inflated and sometimes fraudulent appraisals to financial institutions on loans secured by real estate. This section authorizes the banking agencies to directly discipline appraisers who have willfully or through gross negligence misrepresented the value of real property as collateral for a loan made by any federally insured institution. The agencies could fine (through civil penalties) or suspend or prohibit such appraisers from submitting future appraisals in connection with loans by insured banks or thrifts.

Section 107: Clarification of existing law by specifying that cease and desist orders may include restrictions on specific activities. This section clarifies present Cease and Desist authority by expressly sanctioning the common agency practice of placing limitations on the specific activities of the insti-

tution or its employees (for example, restricting an individual's lending authority over certain amounts or over certain industry sectors). Although agency C&D orders frequently contain such provisions, their authority to impose them has not been tested in the courts.

Section 108: Incompleteness of records as grounds for temporary order. This section authorizes the issuance of temporary Cease and Desist orders whenever an institution's records are so incomplete or inaccurate that the supervisory agency is not able to determine its financial condition.

Section 109: Civil money penalties. This section increases the maximum amount for civil penalties and expands the grounds for imposing them. Different civil money penalty provisions are found throughout the banking statutes, most imposing per day maximum fines of \$1,000, with some as low as \$100. The bill would increase almost all of these maximum amounts to \$5,000 (per day). Moreover, except for the OCC, the banking agencies can impose civil money penalties only for violations of prior supervisory orders. Therefore, consistent with OCC's present authority, the bill would enable all the banking agencies to impose such penalties for unsafe or unsound practices or violations of law absent a prior order, provided the agencies publicly give notice of the types of unsafe or unsound practices that could give rise to civil money penalties.

Section 110: Broadening of provisions prohibiting involvement of convicted criminals in banking. At present, persons who have been convicted of a crime involving dishonesty or breach of trust can be penalized if they serve as directors, officers, or employees of financial institutions without the prior written consent of the relevant banking agency. This section would extend this prohibition to any person participating in the conduct of the affairs of the financial institution, including significant stockholders and managing agents. It would also increase the civil penalty from \$100 to \$5,000 for each day of violation.

Section 111: Public disclosure of enforcement actions required. This section requires public disclosure of the existence of final civil enforcement orders, together with a summary, unless such disclosure would threaten the safety and soundness of an institution, in which case the agency may delay disclosure for a reasonable amount of time. Disclosure of final civil enforcement orders, particularly against insiders, could serve as a deterrent to future insider abuse and alert financial institutions, depositors and investors.

Section 112: Information required to be made available to outside auditors. This section mandates that all federal banking agencies directly furnish to the external auditors of financial institutions copies of examination reports and all proposed and final civil enforcement actions. The subcommittee's investigations have revealed instances (such as United American Bank/Ernst & Whinney) where an institution's external auditor was unaware of the problems in the institution because it did not have direct access to such information.

B. TITLE II—RIGHT TO FINANCIAL PRIVACY ACT (RFFPA) AMENDMENTS

Title II is a revision of the bill which you introduced last year. These narrowly-drawn amendments address primarily the inability of financial institutions and supervisory agencies to share with law enforcement agencies sufficient financial information

bearing on insider misconduct, because of RFFPA.

Section 201: Disclosure of records involving insiders. This provision would exempt from the Act's notice requirements, insiders or co-conspirators who may be guilty of criminal misconduct against a financial institution. Under existing law, the individual under investigation often has access to vital bank records and can alter, destroy, or conceal them if notified that some information has been transferred to a law enforcement agency, usually by way of a criminal referral.

Section 202: Technical amendment relating to production of subpoenaed records. This provision simplifies Justice Department procedures for production and review of financial records subpoenaed by grand juries. The Act's present novel requirement that financial records actually be returned to a sitting grand jury makes no sense, nor is it the customary practice for other types of subpoenaed records.

Section 203: Exchange of information among supervisory agencies. This amendment would clarify that the Act does not prevent the banking agencies from sharing examination reports and other supervisory information with the SEC as to those institutions owned by SEC-regulated holding companies. Some of the banking agencies conveniently invoke the RFFPA as an excuse not to share such information with the SEC.

Section 204 and 205: Technical amendments clarifying (1) the duty of financial institutions to deliver records and (2) the good faith defense available to financial institutions. These two sections address concerns by financial institutions about their duties to furnish information covered by one of the eleven exceptions to the Act's notice requirements; and they expand the scope of a financial institution's good faith defense to any civil liability in providing such information.

C. TITLE III—CHANGE OF CONTROL ACT AMENDMENTS

Section 301: Extension of time to consider change of control notice. This section would clarify current statutory language which is ambiguous concerning time periods for agency review of change of control notices. It would specifically authorize one 30-day extension of time (after the initial 60-day period), at an agency's discretion, with two successive 45-day extensions of time if the notice filed contains incomplete or inaccurate information.

Section 302: Duty to investigate applicants. With the exception of the Federal Home Loan Bank Board, the banking agencies do not conduct thorough investigations of individuals who file change of control notices. (They do request FBI "name checks," but that is all.) As we discovered in the Ranchlander case in Texas (where a convict and his girlfriend obtained a OCC-regulated bank), even a minimal investigation could uncover crucial facts. Accordingly, this section requires the banking agencies to conduct thorough investigations of each acquiring person and to closely scrutinize the factual representations in the notice-application.

Section 303: Public comment on change of control notices. This section requires agencies to make change of control notices public (unless an institution's safety and soundness could be seriously threatened) and to solicit public comment, particularly

from the geographical area affected, on the proposed change of control.

Section 304: Civil money penalty provisions. Willful violations of the change of control acts would give rise to maximum penalties of \$10,000 per day, while violations not shown to be willful would be subject to the existing \$5,000 per day provision.

Section 305: Investigations and enforcement. This provision would authorize the agencies (1) to conduct investigations, including subpoenaing witnesses and documents, and (2) to seek injunctions or other relief in U.S. district court, in response to violations of this section, particularly by those who acquired control of a financial institution without notice to and approval from a banking agency.

D. TITLE IV—REQUIREMENTS FOR FIDELITY BOND COVERAGE

Section 401: Fidelity bonds required for all insured institutions. Current Federal statutes do not require that banks or thrifts carry fidelity bonds to insure them against employee dishonesty, fraud, or other types of fidelity losses. This section would require (1) that all federally insured institutions maintain fidelity coverage, (2) that the FDIC and the FSLIC set mandatory minimum amounts of such, (3) that the two agencies obtain replacement coverage if an institution fails or refuses to maintain adequate coverage, and (4) that such failure or refusal constitutes grounds for termination of an institution's deposit insurance. These proposed requirements would enable the FDIC and the FSLIC to reduce their losses and help protect the solvency of the deposit insurance funds.

E. TITLE V

Section 501: Annual report to Congress. Each banking agency would report annually to Congress the following information: (1) statistics on its civil enforcement actions (including amounts of civil money penalties), (2) the number, nature, status, and disposition of criminal referrals to State and Federal authorities, and (3) a description of other enforcement initiatives against insider abuse. With few exceptions, we found such information to be incomplete and rarely aggregated, hindering oversight.

□ 1310

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEVINE of California) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, on June 11.

Mr. WOLPE, for 60 minutes, on June 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. BADHAM.

Mr. COURTER in three instances.

Mr. MOORHEAD.

(The following Members (at the request of Mr. LEVINE of California) and to include extraneous matter:)

Mr. ATKINS.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. HAMILTON.

Mr. LEVINE of California in five instances.

Mr. LEVIN of Michigan.

Mr. CHAPPELL.

ADJOURNMENT

Mr. LEVINE of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 10, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3661. A communication from the President of the United States, transmitting a proposal to withdraw a request for supplemental appropriations for fiscal year 1986 for the Department of Labor, fiscal year 1987 appropriation language for the Environmental Protection Agency, and amendments to the request for appropriations for fiscal year 1987 for the Veterans' Administration, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-232); to the Committee on Appropriations and ordered to be printed.

3662. A letter from the Acting Secretary of the Air Force, transmitting additional information on the IR Maverick Program, which has exceeded its baseline unit cost by more than 15 percent, pursuant to 10 U.S.C. 139(b)(3)(A); to the Committee on Armed Services.

3663. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period July 1, 1986 to August 31, 1986, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

3664. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Japan for defense articles estimated to cost \$50 million or more (Transmittal No. 86-36), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3665. A letter from the Chief, Program Liaison Division, Office of Legislative Liaison,

Department of the Air Force, transmitting notification of Air Force plans to deactivate the 6594th Test Group, Hickam Air Force Base, HI, by September 30, 1986, pursuant to 10 U.S.C. 2687(b); to the Committee on Armed Services.

3666. A letter from the Secretary of Energy, transmitting the quarterly/test sale report on the strategic petroleum reserve (first quarter of calendar year 1986), pursuant to 42 U.S.C. 6245(b) and 42 U.S.C. 6241(g)(8); to the Committee on Energy and Commerce.

3667. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to terminate certain energy-related requirements, to reduce Federal spending, to ease the regulatory and paperwork burden, and for other purposes; to the Committee on Energy and Commerce.

3668. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to require the Secretary of Health and Human Services to impose fees under the Federal Food, Drug, and Cosmetic Act for the review of applications for marketing approval for new human drugs, antibiotics, and biological products, and for other purposes; to the Committee on Energy and Commerce.

3669. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1985 report on the National Cancer Program, pursuant to PHSA section 404(a)(9); to the Committee on Energy and Commerce.

3670. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Japan for defense articles and services estimated to cost \$55 million (Transmittal No. 86-36), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3671. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Robie Marcus Hooker Palmer, of Vermont, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3672. A letter from the General Counsel and Congressional Liaison, U.S. Information Agency, transmitting a copy of the independent 1986 evaluation of the Cuba Service-Radio Marti Program, pursuant to Public Law 98-111, section 9; to the Committee on Foreign Affairs.

3673. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report on the activities of the Office of Inspector General (October 1, 1985, through March 31, 1986), pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3674. A letter from the Chairman, Federal Election Commission, transmitting a copy of the Commission's 1985 annual report, which includes a number of legislative recommendations adopted by the Commission, pursuant to Public Law 92-225, sections 307(d)(2) and 311(a)(9); to the Committee on House Administration.

3675. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to implement the International Convention on the Prevention and Punishment of the Crime of

Genocide; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 5, 1986, the following report was filed on June 6, 1986.]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4613. A bill to reauthorize appropriations to carry out the Commodity Exchange Act, and to make technical improvements to that act; with an amendment (Rept. No. 99-624). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 4956. A bill to deter abusive, fraudulent, and criminal misconduct by officers, directors, and other insiders of federally insured and regulated depository institutions by strengthening and standardizing the civil enforcement powers of the Federal banking agencies, by strengthening the change in control provisions, by clarifying and improving certain provisions of the Right to Financial Privacy Act of 1978, and by improving private sector fidelity insurance coverage of depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GINGRICH:

H.R. 4957. A bill to provide for the preservation of and public access to the broadcast recordings of the proceedings of the House

of Representatives; to the Committee on House Administration.

By Mr. LEVINE of California:

H.R. 4958. A bill to provide a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full with interest, to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Ways and Means.

By Mrs. VUCANOVICH:

H.R. 4959. A bill to remove the Yucca Mountain site in the State of Nevada from consideration as a repository for high-level radioactive waste; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. CHAPPELL:

H.J. Res. 649. Joint resolution to designate the week beginning April 12, 1987 as "National Telecommunicators' Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

403. The SPEAKER presented a memorial of the House of Representatives of the State of Mississippi, relative to Mr. Joseph W. Newman's patent application; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 4960. A bill for the relief of David A. Burns; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 580: Mr. FISH.

H.R. 1917: Mr. SAXTON, Mr. VALENTINE, Mr. MORRISON of Connecticut, Mr. FUSTER, Mr. GARCIA, Mr. McGRATH, Mr. RALPH M. HALL, Mr. NICHOLS, Mr. HOPKINS, and Mr. ECKART of Ohio.

H.R. 3429: Mr. RAHALL, and Mr. SCHEUER.

H.R. 3865: Mr. SCHUETTE, Mr. JONES of North Carolina, Mr. BLILEY, Mr. DAVIS, and Mr. LATTA.

H.R. 4014: Mr. WORTLEY and Mr. SMITH of Iowa.

H.R. 4025: Mr. McCOLLUM and Mr. DONNELLY.

H.R. 4260: Mr. MCKINNEY.

H.R. 4487: Mr. EDWARDS of Oklahoma.

H.R. 4567: Mr. CARPER.

H.R. 4671: Mr. FRANK, Mr. GEJDENSON, Mr. MANTON, Mr. BATES, Mr. STAGGERS, Mr. HEFTEL of Hawaii, Mr. WOLF, Mr. RAHALL, Mr. HUTTO, Mr. HAYES, and Mr. DE LUGO.

H.R. 4860: Mr. COURTER.

H.R. 4879: Mr. SILJANDER, Mr. APPLEGATE, Mr. SYNAR, Mr. TAUKE, and Mr. JEFFORDS.

H.J. Res. 381: Mr. NIELSON of Utah.

H.J. Res. 555: Mr. DORNAN of California, Mr. HUGHES, Mr. KASICH, Mr. SAVAGE, Mr. BLAZ, and Mr. BEDELL.

H.J. Res. 619: Mr. WAXMAN.

H.J. Res. 638: Mr. MATSUI, Mr. ROWLAND of Georgia, Mr. GILMAN, Mr. TRAFICANT, Mr. VANDER JAGT, Mr. RINALDO, Mrs. LLOYD, Mr. HENRY, Mr. CROCKETT, Mr. BONER of Tennessee, Mr. LEHMAN of California, Mrs. HOLT, Mr. NEAL, Mr. LANTOS, and Mr. GARCIA.

H. Con. Res. 333: Mr. DAUB, Mr. SWIFT, Mr. RITTER, Mr. McCURDY, Mr. EDWARDS of Oklahoma, Mr. LAGOMARSINO, Mr. HENRY, Mr. NICHOLS, Mr. REID, and Mr. PENNY.

H. Res. 461: Mr. COBLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2591: Mr. SUNDBLUM.

H.R. 4567: Mr. REID.